

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JEFFREY SCOTT ZIEGLER,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

Case No. C14-5407 BHS-KLS

**ORDER GRANTING MOTION
FOR MORE DEFINITE
STATEMENT AND DENYING
MOTIONS FOR BILL OF
PARTICULARS AND EXTENSION**

Petitioner Jeffrey Scott Ziegler filed a habeas corpus petition challenging his custody under a state court judgment and sentence. Dkt. 5. The petition lists as ground one, “See Memorandum of Points and Authorities C310 5263 BHS/KLS through Ground Six) and Personal restraint Petition of J. Scott Ziegler.” Dkt. 5, at 5. The memorandum was not attached to the petition. Mr. Ziegler also filed a motion to amend the petition with “Petitioner’s Motion to Dismiss for Speedy Trial Violations Cause # 05-1-01088-6; Direct Appeal # 43591-8; WA Supreme # 89756-5.” Dkts 11 and 12. Although Mr. Zielger’s petition and amendment refer to briefing previously filed in state court and in this Court (C10-5263 BHS-KLS, dismissed without prejudice), Mr. Ziegler does not specifically identify the grounds for relief that he is pursuing in the habeas petition filed in this case.

1 Respondent moves for a more definite statement and asks the Court to direct Mr. Ziegler
2 to provide a concise statement of the grounds for relief he intends to raise in the current petition.
3 Dkt. 13. In response, Mr. Ziegler filed a motion for a “Bill of Particulars” and a motion for
4 extension to extend his time to respond until Respondent responds to the “Bill of Particulars.”
5 Dkts. 15 and 16. In the “Bill of Particulars,” Mr. Ziegler asks that Respondent provide a “bill of
6 particulars” to enable Mr. Ziegler to file a memorandum of points and authorities. Dkt. 6, p. 6.

7 DISCUSSION

8 A habeas corpus petition must “specify all the grounds for relief available to the
9 petitioner.” Rule 2(c)(1), 28 U.S.C. foll. § 2254. The petition must also “state the facts
10 supporting each ground.” Rule 2(c)(2), 28 U.S.C. foll. § 2254. If a pleading is “so vague or
11 ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party
12 may move for a more definite statement before interposing a responsive pleading.” Fed. R. Civ.
13 P. 12(e). The Court in a habeas corpus proceeding may “consider a motion from respondent to
14 make the petition more certain.” Advisory Committee Notes, 1976 Adoption, to Rule 4, 28
15 U.S.C. foll. § 2254.

16 The Court agrees that the Respondent cannot reasonably be required to prepare an answer
17 to the current petition because it does not specifically identify the actual grounds for relief now
18 pursued by Mr. Ziegler in federal court. The petition refers to grounds raised in the prior petition
19 and proceedings in state court, but the petition does not contain a concise statement of each
20 ground now pursued in federal court. Simply referring to claims raised in a prior petition does
21 not comply with Rule 2(c). The petition does not give Respondent fair notice of the actual
22 claims Mr. Ziegler wishes to pursue in this action. In addition, it does not properly narrow the
23 focus of the parties’ briefing as there may be claims that are missed or claims that are addressed

1 when they are no longer being pursued.

2 After Mr. Ziegler has filed and served a concise statement of grounds raised in his
3 petition, Respondent will file and serve his answer and relevant state court record within 45 days.
4 At that time, Mr. Ziegler will have an opportunity to file a reply to Respondent's answer.

5 Accordingly, it is **ORDERED**:

6 1) Respondent's motion (Dkt. 13) is **GRANTED**. Petitioner shall file and serve a
7 concise statement of the grounds raised in his petition **by August 4, 2014**. Respondent shall file
8 and serve his answer within 45 days after service of the statement of the grounds for relief.

9 2) Petitioner's "Bill of Particulars" and motion for extension (Dkts. 15 and 16) are
10 **DENIED**.

11 3) The Clerk shall send uncertified copies of this Order to the Petitioner and counsel for
12 the Respondent.

13 DATED this 7th day of July, 2014.

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16 Karen L. Strombom
17 United States Magistrate Judge
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